

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

R.S.A. No. 3706 of 2006 (O&M)

DATE OF DECISION : 03.04.2007

M/s Ghanshyam Dass and Company

.... APPELLANT

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.A. Sheoran, Advocate,
for the appellant.

* * *

This is plaintiff's second appeal against the judgments and decree, passed by both the courts below.

2. I have heard counsel for the appellant.

3. Both the courts below have dismissed the suit of the plaintiff firm for permanent injunction restraining the Excise Department from recovering the license fee from the plaintiff firm for running the liquor vends, which it had taken for one year from 1.4.1993 to 31.3.1994. The aforesaid injunction was sought on the ground that due to the agitation by the residents of the village, the appellant firm could not run the liquor vends during the said period. Both the courts below have dismissed the suit of the plaintiff firm while holding that the firm was not restrained by any authority from running the liquor vends and if it itself did not sell the liquor during that period to the extent to which it could sell, the injunction cannot be granted against the Excise Department and in view of the agreement between the parties, the appellant is liable to pay the license fee.

4. After hearing counsel for the appellant and going through the impugned judgments passed by the courts below, I do not find any ground

to interfere in this Regular Second Appeal, as in my opinion, no substantial question of law is involved in this appeal.

5. Dismissed.

April 03, 2007
ndj

(SATISH KUMAR MITTAL)
JUDGE